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4 MONROE JONES,

5 Plaintiff,

6 v.

7 JOHN FINNEGAN, et al.,

8 Defendants.

9 Case No. [22-cv-05335-WHO](#) (PR)

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11 **ORDER STAYING ACTION**

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13 **INTRODUCTION**

14 Plaintiff Monroe Jones filed this 42 U.S.C. § 1983 civil rights action against persons
15 involved in his arrest and prosecution by California state authorities. Because criminal
16 proceedings are ongoing and the results of such proceedings likely will affect the validity
17 of Jones's claims, I will stay the suit until the criminal case or the likelihood of a criminal
18 case is ended.

19 **BACKGROUND**

20 According to the complaint, Jones is being held on pending charges, and criminal
21 proceedings are ongoing. (Request to File Extended Brief, Dkt. No. 2 at 3-4.)

22 **DISCUSSION**

23 **A. Standard of Review**

24 A federal court must conduct a preliminary screening in any case in which a
25 prisoner seeks redress from a governmental entity or officer or employee of a
26 governmental entity. *See* 28 U.S.C. § 1915A(a). In its review, the court must identify any
27 cognizable claims and dismiss any claims that are frivolous, malicious, fail to state a claim
28 upon which relief may be granted or seek monetary relief from a defendant who is immune

1 from such relief. *See id.* § 1915A(b)(1), (2). Pro se pleadings must be liberally construed.
2 *See Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1988).

3 A “complaint must contain sufficient factual matter, accepted as true, to ‘state a
4 claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
5 (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial
6 plausibility when the plaintiff pleads factual content that allows the court to draw the
7 reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* (quoting
8 *Twombly*, 550 U.S. at 556). Furthermore, a court “is not required to accept legal
9 conclusions cast in the form of factual allegations if those conclusions cannot reasonably
10 be drawn from the facts alleged.” *Clegg v. Cult Awareness Network*, 18 F.3d 752, 754–55
11 (9th Cir. 1994).

12 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential
13 elements: (1) that a right secured by the Constitution or laws of the United States was
14 violated, and (2) that the alleged violation was committed by a person acting under the
15 color of state law. *See West v. Atkins*, 487 U.S. 42, 48 (1988).

16 **B. Legal Claims**

17 Jones brings suit against various persons involved in his arrest and prosecution,
18 including the district attorney, his defense attorney, and the arresting officers, on claims of
19 malicious prosecution, false arrest, etc. His criminal proceedings are ongoing.

20 If a plaintiff files a claim related to rulings that likely will be made in a pending or
21 anticipated criminal trial, it is within the power of the district court, and accords with
22 common practice, to stay the civil action until the criminal case or the likelihood of a
23 criminal case is ended. *Wallace v. Kate*, 549 U.S. 384, 393–94 (2007). If the plaintiff is
24 then convicted, and if the stayed civil suit would impugn that conviction, *Heck v.*
25 *Humphrey*, 512 U.S. 477 (1994), requires dismissal; otherwise, the case may proceed. *Id.*
26 at 394.

27 Because the result of the state criminal proceedings will likely affect the validity of
28 Jones’s claims, the suit must be stayed. Accordingly, this action is STAYED until I decide

1 further action is appropriate or until Jones informs the Court, by way of a motion to
2 reopen, that the criminal charges have been dismissed or have resulted in a conviction, or
3 that the likelihood of a criminal case has ended. Any motion to reopen must have the
4 words MOTION TO REOPEN written on the first page.

5 **CONCLUSION**

6 This federal civil rights suit is STAYED. The Clerk shall ADMINISTRATIVELY
7 CLOSE the file pending the stay of this action.

8 **IT IS SO ORDERED.**

9 **Dated:** January 26, 2023


WILLIAM H. ORRICK
United States District Judge